IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE SIXTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION NO : 23313 of 2000

Between:

Boora Raghuramulu, S/o Sattaiah,
Somaravaram (V), Nereducherla Mandal, Nalgonda

Dist., R/o. Alagadapa village,
Miryalaguda Mandal, Nalgonda District.

..... PETITIONER

AND

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1 The Inspector of Police (SHO), Miryalaguda Town

Police Station, Miryalaguda, Nalgonda District.
2 The Sub-Inspector of Police (SHO), Rural Police

Station, Miryalaguda, Nalgonda District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to to issue and order or direction more particularly one in the nature of Writ of Mandamus, directing the 1st and 2nd Respondents not to entertain Civil matters (recovery of Money Cases) of Sri Koppu Venkateswarlu and Sri SVN Raju, Consequently direct the respondents not to arrest the petitioner and his family members basing on the false complaint made Sri Koppu Venkateswarlu and Sri SVN Raju, declaring the action of the 1st and 2nd Respondents harassment, calling to the Police Station now and then as illegal, against theprinciples of natural justice, and pass such other order/s which are necessary in the interest of justice.

Counsel for the Petitioner: MS.J.D.YASHODHA

Counsel for the Respondents: GP FOR HOME

The Court made the following :

ORDER:

It is the case of the petitioner that he availed loan from Sri Koppu Venkateswarlu and Sri S.V.N. Raju in connection with the fishing business of his son. The said Venkateswarlu approached the police, who are pressurizing the petitioner to repay the amount and thereby interfered with the civil dispute. Therefore, the present writ petition is filed seeking a direction to the respondents not to interfere with the civil disputes i.e., recovery of money cases of Sri Koppu Venkateshwarlu and Sri S.V.N. Raju.

Though the writ petition was admitted on 2.12.2000, and though this court passed interim orders directing the respondents not to interfere with the civil disputes, the respondents have not chosen to file any counter affidavit. Be that as it is as held by this court in **S.Masthan Saheb v P.S.R. Anjaneyulu** and **J.Lakshmi @ Lakshmamma v Commissioner of Police, Vijayawada.**

In **J. Lakshmi @ Lakshmamma v Commissioner of Police, Vijayawada** (supra), after referring to the judgment in **S.Masthan Saheb v P.S.R. Anjaneyulu** (supra) as well as the code of conduct for police, this Court laid down as under.

> The Supreme Court has repeatedly held that when the dispute is purely of civil nature, the jurisdiction under Art.226 of the Constitution cannot be exercised. The Supreme Court also repeatedly laid down that when the dispute between the two citizens is of civil nature and no crime is registered, police have no jurisdiction to interfere in the civil dispute. Further, when there is a civil litigation either before the court of law or before the tribunal, the police have no jurisdiction to interfere in the civil dispute. Further, when there is a civil litigation either before a court of law or before a tribunal, the police cannot interfere and even if a complaint is made in relation to such dispute pending in a civil court, the citizens have to be advised to resolve the dispute through a duly constituted court of law.
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> In the scheme of the Constitution of India, the duty to resolve civil disputes is entrusted to judiciary. Police have no such power. Any interference by police in a pending civil dispute or a potential civil dispute between citizens or two groups of citizens is not within the province of the police. Furthermore, if a cognizable offence is reported to the police, it is the duty of the police to register the crime under Section 154 of the Code of Criminal Procedure, 1973 (Cr.P.C) and take up investigation immediately. In a given case, even if a civil dispute, to say a land dispute, is pending before a civil Court and if the quarrel between the two warring parties has a potential of resulting in a law and order problem posing threat to the society at large, the police can always take up the case only after registering the crime under Section 154 Cr.P.C. Without registering the crime and without any reason the police cannot interfere.

The Learned Government Pleader does not dispute the legal position. Therefore, this writ petition is disposed of directing the respondents not to interfere in the civil disputes of if any, between the petitioner, GPA holder and other third parties.

The writ petition is accordingly disposed of. There shall be no order as to costs.

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V.V.S. RAO, J.

6th July, 2005

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To

1 The Inspector of Police (SHO), Miryalaguda Town

Police Station, Miryalaguda, Nalgonda District.

2 The Sub-Inspector of Police (SHO), Rural Police

Station, Miryalaguda, Nalgonda District.

3 Two CCs to G.P. for Home, High Court Buildings,

Hyderabad.

4 2 CD copies.